SR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Luis PEREZ-Garcia,** Defendant,	Magistrate Case No. '07 MJ 2834 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **December 6, 2007,** within the Southern District of California, defendant, **Luis PEREZ-Garcia** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Didier MENDEZ-Cortez** and **Roberto MIJANGOS-Reyes** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **DECEMBER 2007**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Luis PEREZ-Garcia

SLF

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Didier MENDEZ-Cortez** and **Roberto MIJANGOS-Reyes** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 06, 2007, at approximately 9:00 A.M., Senior Border Patrol Agents J. Diaz and J. Vasquez were conducting anti-smuggling operations near Campo, California in unmarked Service vehicles.

At approximately 9:35 a.m., Senior Patrol Agent Diaz observed a Silver Pontiac sedan drive past his position in the eastbound lane of Highway 94 approximately two miles east of Volmer Lane. As the vehicle passed his position, Agent Diaz observed an individual in the back seat look out the window and quickly duck down out of sight. Agent Diaz began to follow the vehicle and was only able to see the driver even though the vehicle appeared to be heavily laden. Agent Diaz also noted that as the vehicle traveled on the smooth surface of the highway, it would bounce up and down and sway from side to side. Agent Diaz relayed the information via Service radio. Senior Patrol Agent W. Ruiz and Border Patrol Agent J. Aripez, operating a marked US Border Patrol Vehicle responded to the call and began to follow the vehicle as it continue eastbound on Highway 94, past Forrest Gate Road. At approximately 9:43 a.m., Agent Aripez advised Border Patrol Dispatch that he and Agent Ruiz were going to attempt a vehicle stop on the silver Pontiac on Highway 94 east of Forrest gate Road. Agent Aripez activated the emergency lights and sirens. The silver Pontiac did not yield, and continued to drive east at approximately 55 miles per hour on Highway 94. At Approximately 9:45 Agents Ruiz and Aripez decided to terminate the pursuit of the vehicle and deactivated the emergency lights and sirens.

Agents Diaz and Vasquez operating in unmarked Service vehicles began to conduct surveillance of the vehicle from a safe distance as it continued eastbound on Highway 94. Agents Diaz and Vasquez observed that the vehicle was passing eastbound traffic by crossing the double yellow lines of the highway into the westbound lanes. Agents Diaz and Vasquez continued surveillance of the vehicle and advised Border Patrol Dispatch of its location. At approximately 9:51 a.m., the Silver Pontiac came to a stop at the Emergency Call Box 94-583 near an area known as Pinto Wash. Agents Diaz and Vasquez approached the vehicle and observed three individuals including one later, identified as the defendant **Luis PEREZ-Garcia** trying to abscond. The defendant exited the driver side door and ran into the surrounding brush. Agent Vasquez remained at the scene and observed two individuals attempting to conceal themselves inside of the vehicle. Agent Vasquez identified himself as a United States Border Patrol Agent and questioned each subject individually as to their Immigration status. Both subjects stated that they were citizens and nationals of Mexico, present in the United States without any documents that would allow them to enter or remain legally in the United States. Agent Diaz was able to apprehend the three subjects seen absconding from the vehicle. Agent Diaz identified himself to them as a United States Border Patrol Agent and questioned each subject in relation to their immigration status. All three subjects including the defendant individually stated that they were citizens and nationals of Mexico, illegally present in the United States without any documents that would allow them to enter or remain in the United States legally. All subjects including the defendant were placed under arrest and transported to the El Cajon Border Patrol Station for processing.

SLF

STATEMENT OF DEFENDANT: Luis PEREZ-Garcia

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer any questions without an attorney present.

The defendant stated that he illegally entered the United States from Mexico on December 6, 2007. The defendant stated that he was contacted by a man named Jose Alfredo, via telephone while he was in Tijuana, Mexico. The defendant stated that Jose Alfredo asked him to drive a vehicle with aliens in it for the amount of $200. The defendant stated that he and Jose Alfredo entered illegally into the United States near Tecate, California on December 6, 2007. The defendant stated that Jose Alfredo took him to the location of the vehicle. The defendant stated that when he arrived at the vehicle, four individuals were inside. The defendant stated that he was told to drive until he found the signs for Interstate 8. The defendant stated that he was going to be contacted and told what to do next.

The defendant stated that he knew he was being followed by the United States Border Patrol. The defendant also stated that he heard the siren and observed the lights directly behind him from the Border Patrol vehicle, but decided not to stop because he did not want to get caught. The defendant stated that he attempted to avoid apprehension by passing traffic in the westbound lanes. The defendant stated that he decided to stop the vehicle and tried to flee to Mexico before he was apprehended by the Border Patrol.

STATEMENT OF MATERIAL WITNESS:

The statements of material witnesses **Didier MENDEZ-Cortez** and **Roberto MIJANGOS-Reyes** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay unknown amount to be smuggled into the United States. The two material witnesses were presented with a photo lineup consisting of six different photos. Both material witnesses were able to identify the defendant as the driver of the vehicle.